G. R. S. 58]

Previous reference

File No. 210-15

1915.
(Musrai)

Serial Nos.
1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for Nov 15

SUBJECT.

Suit for recovery of Rs 2000 due to Basaviah's charities at Mysore under Govt management.

D.C. Mysore, Comptr
No 1084-5 Dy 2.11.15

Accords sanction to file a —

GPB—10,000—26 3-15

G. R. S. 11] 1915 16

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No 210
-15

FILE HEADING.

From

No.	Dated	Received
Diary No. 6 of 7	Enclos 1 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

R In para 7 of G.O. No. 2508-9/Mug 68-04 & 12-11-06 directing the taking over under Govt management of the charities founded by one Chikka Basanmaiya in the Mysore City together with their endowments

NOTES—First Sheet.

GPL—20,000-8-15

R. S. 12]

General and Revenue Secretariat.

File No. 216 of 191 5.

Serial No.	
	It was directed that early steps should be taken for the recovery of the sum of Rs 2000/- due towards the Charities and the result reported for the information of Govt.
E	2 Again in G. O. No. 1177-9/Mun 521-12-2 & 29-3-13 sanctioning a scale of income and expenditure to be incurred in connection with the Charities, the attention of the Dy: Coll: was drawn to the above Order of 1906 and he was requested to report early the steps taken for the recovery of the amount
F	3. A report as to how the matter stood soon after the receipt of the above Govt. Order in the Taluk office was made by the Amildar on 9-5-13, but no action seems to have been taken by the Dy: Coll: and
G	It was only on a representation made by one of the trustees on 25-8-15 that the money due to the Charities had not been recovered & that steps should be taken in the matter, that the present communication has been made to Govt.
H	The Amildar's report No. 43 of 7-9-15 in English gives the full facts of the case.
	Draft in accordance with the

NOTE—Contn. sheet.

GPB—20,000—30 6 15

R. S. 12]

General and Revenue Secretariat.

File No. 210 of 1915.

Serial No.	
	Court's recommendation is subd. for approval or orders. [The case is reported to have been posted for hearing on the 4th proximo].
	27/10/15 Put up clean draft.
	28/10/15
	Clean draft subd.
	28/10
	Subd. to 1st member
	28.10.15
	Draft appd. by First member 31.10.15
	2/11/15
2	NOS: 10 Su- 5 dt 2-11-15, to D.C. [illegible]

NOTE—Contn. sheet.

GPB—20,000—30-6-15

80 7-15

1915-1916

From The Deputy Commissioner Mysore District

To The Revenue Secretary to the Government of His Highness the Maharaja of Mysore, Muzrai Branch

Dated

Despatched 19/10/15

Received 20-10-15

General No. 178
No.

Enclosure No. one file

DIARY No. 657

19 15-16
SECTION Revl
FILE No 210-15
SERIAL No. 1

Requesting sanction for filing a suit for the recovery of Rs 2000/- due to Basammiah's charities under government management and for the entertainment of the Public Prosecutor for that purpose.

B VII

20/10/15

No 178.
En 1 file.

Office of the Deputy
Mysore District
Dated 19/20. 10. 1915.

From:-

A. Subrahmanya Iyer, Esquire, B.A.,

Deputy Commissioner, Mysore District

To:-

R Thyagaraja Iyer, Esquire, M.A.,

Revenue Secretary to the Government of His
Highness the Maharaja of Mysore,
Huzarai Branch.

Sir,

Adverting to Government order No? 2508-9 of 12.11.06 and 185-6 of 16.7.1906 directing the taking over of the management of Basavanna's Charities under Government management, I have the honor to state that a sum of Rs 2000/- bequeathed by the donor for the benefit of the charities out of a loan of advanced by her to one Samoo Rao has not been recovered. Her foster son Srikantappa was authorized by her to recover the loan

Before recovery however and after the donor's death, the bond for this sum of Rs 4000/- is reported to have been attached in execution of a decree obtained against her and her foster son in O.S. No. 85 of 97-98 on the file of the Court of the Sub judge of Mysore. This decree was transferred to Advocate Mr M. D Narayaniengar and at his instance the Court appointed Mr M. A. Krishnaiyar as Receiver to file a suit against Sannoo Rao and his heirs.

Mr Sannoo Rao in the meantime has declared an insolvent in his no 175 of 1912-13 on the file of the Sub Court and Mr M. D Narayana Iyengar's debts were discharged as per order of the Court in preference to the claims of the beneficiaries.

It is reported that there is a sum of Rs 700/- in the hands of the receiver, besides certain other properties which he himself

purchaser in the Court sale in execution of the said decree. For this amount Srikantappa has, it would appear, now preferred a claim as heir to Basanna by a petition to the Principal Munsiff of Mysore and that petition was posted to the 27th August last for hearing when on the Amildar's report on the subject a representation was made to the Court that the hearing may be adjourned to some date after the Dasara with a view to move Government for claiming Rs 2000/ in due course.

Srikantappa eventually represented to the Amildar that Govt might employ its own Agency to recover the amount. One of the trustees of the Charity Mr. Attigod Basappa has since, in representing the above to the Amildar states that nothing can be expected from Srikantappa who has against his original representation to the Amildar now applied to the 1st Munsiff's Court for payment to him

of the balance now at the hands of the receiver and that there is thus a probability of the money not reaching the charities.

I Consulted the Public Prosecutor in the matter and requested him to do the needful. He issued a notice to the receiver calling upon him to pay up to government on behalf of the charities, a sum of Rs 699-0-1 which was in his possession as received. A Copy of this notice together with a memo of the facts of the Case prepared by the Public Prosecutor are enclosed herewith with the Connected papers on the subject received with the public Prosecutor's letter No 90 dated 8.10.1945. The Public Prosecutor is of opinion that as Seecantappa and Mr M. D. Narsingrao have both filed suits before the Court of the First Munsiff of Mysore for the recovery of the amount at the hands of the Receiver and

as the Receiver did not reply to his Communication regarding the payment of the amount to Government, Needful steps may be taken as both the above persons have no claim for the money and as Government have a preferential claim for the amount.

The case stands posted to 4.11.1915, and I therefore request that you will be so good as to move Government to accord sanction for filing a Suit in the above matter and for the entertainment of the Public Prosecutor for that purpose. I beg the favor of very early orders to enable me to take action in sufficient time before the next hearing, 4.11.1915.

I have the honor to be,

Sir,

Your most obedient Servant

Deputy Commissioner
Mysore District.

Vide case 3/10/1915 TSM

Lakshmipuram, Mysore.

2nd October 1915.

From

B.R. Krishnamachar, Esquire., B.A. B.L.,

Advocate and Public Prosecutor,

Mysore Division.

To

L.A. Krishna Iyengar, Esquire., B.A.,

Advocate, Mysore.

Sir,

I am instructed by the Deputy Commissioner, Mysore District, on behalf of the Mysore Government, to write to you regarding the matter stated hereunder and to request you to send a reply as earl as possible.

(1) A Sivachar lady by name Vithavilasada Chicka Basamayya, who lived in Mysore Fort lent 4000 Rs to 2 individuals, Venkata Rao -- alias Shamanna, and Shirastedar Venkata Rao, and took a registered hypothecation deed, dated 20-9-1891.

(2) On 3-8-1895, she executed a registered Trust deed appointing 6(7?) persons as Trustees to carry out her beneficent intentions, viz.(a) to purchase a house for lodging students of Veerasaiva caste out of the cash endowment of Rs 800; and (b) to provide for their boarding out of the income of $\frac{1}{4}$ share of Sharvamanya village (Ooth nahalli in Mysore Taluk) which she made over to the Truestees.

(3) On 13-9-1897, she executed a registered 'will' whereby she bequeathed all her properties to her foster-son(who was her younger brother Madappa's son by the senior wife) Srikantappa alias Anna, and enjoined him to pay Rs 2000 out of the bond debt mentioned in para (1) for the feeding expenses of students belonging to the Charity mentioned in para (2).

(4) She seems to have been ailing long before her death and after ~~that~~ event which happened in 1897 her medical attendent &

and adviser one Rangasami Pillai instituted a suit in O.S. No. 85 of 1897-98 on the file of the Subordinate Judge of Mysore, on 24-3-1898, for the recovery of Rs.1500 alleged to be his fee or remuneration for services rendered, and obtained a decree on 31-10-1898 (Decree for Rs.1500 plus costs Rs.188-2-2 plus current interest at 6 per cent) against the assets of the deceased in the hands of her foster son.

(5) This Decree was transferred for execution to the Principal Munsiff's Court, Mysore, and the bond of Rs.4000 above-mentioned was attached in Execution case No. 1765 of 1899-1900 on the file of the said Court.

(6) The Decree-holder then transferred his rights to Advocate Mr. M.D. Naraniengar who filed an application (Mis. 1099 of 1899-1900 praying for the appointment of a Receiver in order to institute a suit for recovering the amount due under the said bond and for paying him his decretal amount. Thereupon you were duly appointed the Reciever on 17-7-1900.

(7) On 25-10-1900, you filed the suit O.S. 15 of 1900-01 on the file of the Subordinate Judge of Mysore, in the capacity of the Receiver, for the recovery of money due upon the said bond of Rs. 4000/- and obtained a decree for Rs.7655/- plus costs Rs.714-10-1, plus current interest, against the hypothecated properties and against the executants personally.

This decree was appealed against in R.A. 49 of 1902-03 on the file of the Chief Court and was confirmed on 24-11-1903.

(8) Execution Proceedings were then taken by you and several sums were realized from time to time. The decree of Mr. M.D. Narniengar was fully satisfied by payment made to him out of the said realizations.

(9) The Judgment-debtor Venkata Rao, became an insolvent in Mis. 172 of 1912-13 on the file of the Subordinate Judge of Mysore. His properties were taken possession of and sold by the said Court Out of the realizations of Rs.800/-, a sum of Rs.699-8-0 was paid to you on or about 1-10-1915 by virtue of your being the decree-

decree-holder in the said O.S. 15 of 1900-01, and also a scheduled creditor of the Insolvent.

(10) In the course of the Execution Proceedings had at your instance as Reciever, 2 dry lands (Survey Nos. 132 and 133) at --- Kurubarhalli, Mysore Taluk, and an Inam village called Kirunalli, Hunsur Taluk, were purchased by you for Rs.300/- and 5 Rs. respectively in part satisfaction of the decree amount. The Kurubarhalli lands were subsequently acquired by the Government and the compensation awarded, Viz., Rs.549-2-0 was taken away by the sons of the Judgment-debtor Venkata Rao on 9-5-1913, although they had no right for the same.

(11) Consequently you have now filed a suit, O.S. No.101 of 1915-1916 on the file of the First Munsiff of Mysore, against the said persons for the refund of the compensation amount and damages (Rs.549-2-0 plus Rs.50-14-0 = Rs.600/-) and it is yet pending.

(12) As the Government has taken up the management of the Charity as per Government Proceedings No. 2508-9/Muz.68-1904 dated 12th November 1906, it has a right to call upon you to pay up Rs.699-8-1 mentioned in para (9) and to transfer your rights in the suit or action mentioned in para (11) for the benefit of the said charity.

(13) You are therefore, requested (a) to pay the said sum of Rs. 699-8-1 to the Deputy Commissioner immediately,

(b) to transfer to him your rights in the pending suit, O.S. 101 of 1915-16 on the file of the First Munsiff, and

(c) to intimate what has become of the Inam Village of Kirunelli which you purchased in Execution.

An early reply is solicited.

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BBY

IN THE MATTER OF CHARITIES OF THE LATE SITHAVILASADA CHICKABASAMMAYYA.

****

FACTS OF THE CASE

(1) A Sivachar lady by name Sithavilasada Chicka Basammayya, who lived in Mysore Fort, lent 4000 Rs to 2 individuals, Venkatarao alias Chamanna and Sheristedar Venkata Rao, and took a registered hypothecation deed dated 20-9-1891.

(2) On 3-8-1895, she executed a registered Trust-deed appointing 6 (7 ?) persons Trustees to carry out her beneficent intentions viz. (a) to purchase a house for lodging students of Veerasaiva caste out of the cash endowment of Rs 800 and (b) to provide for their boarding out of the income of ¼ share of a Sarvamanya village (Jothenahalli) in Mysore Taluk which she made over to the Trustees.

(3) On 13-9-1897, she executed a registered "WILL" whereby she bequeathed all her properties to her @@ foster-son (who was her younger brother Kadappa's son by the Senior wife) Krishnaiah alias Anna, and enjoined him to pay Rs 2000 out of the bond-debt mentioned in para (1) for the yearly expenses of students belonging to the charity mentioned in para (2).

(4) She seems to have been ailing long before her death and after that event which happened in 1897, her medical attendant and adviser one Rangasami Pillai, instituted a suit, No.35 of 1897-98 on the file of the Subordinate Judge of Mysore, on 24-3-1898, for the recovery of 1500 Rs alleged to be his fee or remuneration for services rendered, and obtained a decree on 11-10-1898, (Decree for 1500Rs, plus costs Rs 188-2-2, plus current interest at 6 %), against the assets of the deceased in the hands of her foster son.

(5) This decree was transferred for execution to the Principal Munsiff's Court, Mysore, and the bond of Rs 4000 above mentioned was attached in execution case No 1765 of 1899-1900 on the file of the said Court.

(6) The decree-holder then transferred his rights to Advocate, Mr. D.Naraniengar, who filed an application (Mis 1099 of 1899-1900) praying for the appointment of a Receiver in order to institute a suit for recovering the amount due under the said bond, and for paying him his decretal amount. Thereupon, Advocate Mr. M.A.Krishna Iyengar was duly appointed the Receiver on 17-7-1900.

(7) On 25-10-1900, the Receiver filed a suit O.S. 15 of 1900-1901 on the file of the Subordinate Judge of Mysore for the recovery of money due upon the said bond, and obtained a decree for Rs 7655, plus costs Rs 714-10-1, plus current interest, against the hypothecated properties and against the Executants personally.

This decree was appealed against in R.A 49 of 1902-1903 on the file of the Chief Court, and was confirmed on 24-11-1903.

(8) The Receiver put the decree in execution on several occasions and realized amounts for which he appears to have submitted accounts from time to time. The decree of Mr. M.D.Naraniengar was fully satisfied by payment made to him out of the said realizations.

According to the accounts and the latest report filed by the Receiver in First Munsiff's Court on 9-8-1915, whose correctness it is not possible to question, nothing is shown to have been paid towards the charity mentioned above, probably for the reason that nobody claimed the amount or any part thereof due for the charity during this long interval of nearly 15 years. The Receiver in the said report claims Rs 180-5-0 as the amount over-spent by him in the management of this affair and states that no cash remains in his hands.

(9) The Judgment - debtor Venkatarao, became an insolvent in I.S 172 of 1912-13 on the file of the Subordinate Judge of Mysore. His properties were taken possession of and sold by the said Court. Out of the realizations of Rs 800, a sum of Rs 699-8-1 was paid on or about 1-10-1915 to the Receiver by virtue of his being the decree-holder in the said O.S.No 15 of 1900-1901, and also a scheduled creditor of

of the said insolvent.

(10) In the course of Execution Proceedings had at the instance of the Receiver, 2 dry lands (S.Nos. 132 and 133) at Kurubarhalli, Mysore Taluk, and an Inam village called Kirunelli, Hunsur Taluk, were purchased by him for Rs 300 and Rs 5 respectively, in part satisfaction of the decree amount. The Kurubarhalli lands were subsequently acquired by the Government and the compensation awarded, viz. Rs 549-2-0 was taken away by the sons of the Judgment-debtor Venkata Rao on 9-5-1913, although they had no right for the same, without the knowledge of the Receiver.

(11) The Receiver thereupon applied to the First Munsift of Mysore, on 2-7-1913, to accord sanction for instituting Civil and Criminal Proceedings against the said sons of Venkata Rao and sanction was given on 12-9-1913.

(12) The Receiver has now filed a suit against the said persons viz:-

1.	Srinivasa Rao	Sons of Venkata Rao alias Shamanna.
2.	Subba Rao	
3.	Sannoo Rao	
4.	Ramaswamy	
5.	Srikantiah	

in O.S. 101 of 1915-16 on the file of the First Munsiff of Mysore for the refund to him of the said compensation amount and damages (Rs 549-2-0 plus Rs 50-14-0 = Rs 600) and the case stood posted for settlement of issues to 4-10-1915.

(13) It cannot be ascertained from the records as to what has become of the Inam village of Kirunelli purchased by the Receiver.

OPINION STATED

As the Government has taken up the management of charity, as

per Government Proceedings No 2508-9/Muz.68-1904, dated 12th November 1906 it has a right to call upon the Receiver to pay up Rs 699-8-1 mentioned in para (9), and to transfer his rights in the suit or action mentioned in para (12) He may also be called upon to intimate regarding the state of affairs of the Kirunelli Inam village mentioned in paras (10) and (13). If the accounts filed by the Receiver are correct, he has a right to deduct Rs 185-5-0 mentioned in para (8) . He will also be entitled to deduct the expenses to be incurred by him hereafter in connection with the suit mentioned in para (12) and his legal fees. He has to surrender the village of Kirunelli.

In case the Receiver fails to satisfacorily account for the said items, a suit has to be filed against him.

I beg to suggest that a notice may be given to the Receiver and his reply taken before reporting the matter to the Government.

B. R. Krishnamachar

M Y S O R E

2ND OCTOBER 1915

PUBLIC PROSECUTOR

MYSORE DIVISION.

8th Oct '15.

****

S. 28]

Govt. sanction to file a suit for the recovery of the amount due to the Chikka Basavanna Charity

File No.

Serial No

Diary No. of letter replied to 657

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
(Muz)

READ—

, *the* 191 &

Govt Progs no. 1177-9/Muz 521-12-2 & 29-3-13 sanctioning a scale of income and expenditure in connection with the Charity

Date of issue

Signed by

~~ORDER THEREON ETC.~~

founded by one Chikka Basavanna in the Mysore City and placed under Govt management and inviting the attention of the Deputy Comr, Mysore District, to pro. 7 ors

SUBJECT.

GPB—50,000—1-12-12

of the Govt. Order no. 2508-9 Muz 68-1904 dt 12-11-06 regarding the early recovery of the sum of Rs 2000 bequeathed to the Charity under Basammaiya's will.

2) Letter no. 178 dt 20-10-15 from the Deputy Comr, Mysore District, reporting that the amount is recoverable from a debt due to Basammaiya from one Sannoo Rao; that this debt was attached in execution of the decree passed against Basammaiya's estate that a sum of Rs 699-0-1 is left after the satisfaction of the decree in the hands of the receiver, who has besides purchased at court auction certain lands belonging to the judgment debtor Sannu Rao, that suits have been filed by Srikantaiya, the foster son of the deceased and Mr. M. D. Narasimhaiyangar, the assignee of the decree, for the

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

the recovery of the properties in the hands of the receiver; and that the Public Prosecutor, who was consulted, is of opinion that the Charity has a superior claim ~~to the balance~~ and soliciting sanction to file a suit for the recovery of the amount and the properties and to engage the services of the Public Prosecutor for the conduct of the case.

1084-5
Mus 210-15.
Dy 2-11-1915

Order thereon:—

Under the circumstances reported, sanction is accorded to file a suit for the recovery of the amount due to the Charity and to engage the services of the Public Prosecutor for conducting the case. The costs of the proceedings will be payable from the funds at the credit of the Charity

31/10/15

28.10.15
For Secretary
Rev: Deptt

To.

The Dy: Comr, Nagore Distt,
rets the rec: records.
" Comptr to Govt.